

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
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:  
UNITED STATES OF AMERICA, :  
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: 1:20-cr-314-GHW  
- against- :  
:  
: ORDER  
ETHAN PHELAN MELZER, :  
a/k/a "Etil Reggad," :  
:  
:  
Defendant. :  
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GREGORY H. WOODS, United States District Judge:

Earlier today, counsel for the defendant responded to the Court's February 21, 2023 order (the "Order") requesting that he identify with specificity factual assertions in the presentence report to which the defendant objects. Dkt. No. 160. That submission highlights a number of disputed issues of fact. Federal Rule of Criminal Procedure 32(i)(3)(B) states that "[a]t sentencing, the court: . . . must—for any disputed portion of the presentence report or other controverted matter—rule on the dispute or determine that a ruling is unnecessary either because the matter will not affect sentencing, or because the court will not consider the matter in sentencing . . ." Fed. R. Cr. P. 32(i)(3)(B).

As noted in the Order, a number of arguments presented in the Government's sentencing submission rely on facts that are disputed by the defendant. Accordingly, the Court solicits the position of the Government regarding whether a ruling on the disputed facts is unnecessary. The Court requests that the Government respond to this request no later than February 27, 2023. The

defendant may provide his views regarding the question by the same date. The Court will consider responses submitted earlier than this deadline.

SO ORDERED.

Dated: February 24, 2023  
New York, New York

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GREGORY H. WOODS  
United States District Judge